



# **Bay Area Clean Water Agencies**

*Leading the Way to Protect Our Bay*

*A Joint Powers Public Agency*

*P.O. Box 24055, MS 702*

*Oakland, California 94623*

---

November 12, 2004

Ms. Dena McCann  
Division of Water Quality  
SWRCB  
P.O. Box 100  
Sacramento, CA 95812-0100

**SUBJECT: PROPOSED REVISIONS TO THE POLICY FOR  
IMPLEMENTATION OF TOXICS STANDARDS FOR INLAND  
SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF  
CALIFORNIA, COMMENTS ON SCOPE OF DRAFT  
FUNCTIONAL EQUIVALENT DOCUMENT**

Dear Ms. McCann:

The Bay Area Clean Water Agencies (BACWA) offer the following comments regarding the scope of the Functional Equivalent Document (FED) for proposed revisions to the State Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (the "SIP"). BACWA is an association comprised of municipalities and public agencies from the San Francisco Bay area that own and operate publicly owned treatment works. BACWA includes five principal agencies (the City and County of San Francisco, City of San Jose, East Bay Municipal Utilities District, East Bay Dischargers Authority, and Central Contra Costa Sanitary District) and nearly thirty other associate and affiliate public member agencies.

BACWA has previously supported the proposed revisions to the SIP to (a) allow Water Effects Ratios (WERs) to be established through permitting action, and (b) eliminate the "reasonable potential" trigger based on ambient background concentrations when a water quality constituent has not been detected in an effluent. BACWA encourages the SWRCB to stay the course in implementing these proposed revisions.

Past activities in the San Francisco Bay Region provide specific examples of the benefit and necessity of the proposed revisions.

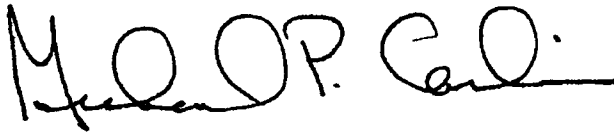
For example, significant effort has been expended in San Francisco Bay to develop and implement Water Effect Ratios for copper to establish site-specific water quality objectives for San Francisco Bay. In the South Bay, the time required to adopt a site-specific objective for copper following completion of the technical work supporting the WER was four years (WER work completed in 1998, site-specific objective adopted in

May 2002). For the remainder of San Francisco Bay north of the Dumbarton Bridge, technical work on the copper WER was completed in June 2002. The projected date for adoption of the copper site-specific objective is 2005 or 2006, again a time span of 3 to 4 years. During this intervening time period, NPDES permits have been written based on a default WER value of 1.0, leading to unnecessary effluent limits, monitoring, and source control activities and the potential for serious compliance problems. The proposed adoption of scientifically defensible WER values in the permitting process would remedy this problem.

Regarding the second proposed change to the SIP, numerous permits in the Bay area have unnecessary NPDES effluent limits for 4,4-DDE and dieldrin. These effluent limits are the direct result of the SIP language that has required a finding of reasonable potential for these constituents where one or more ambient values that exceed water quality objectives, despite the lack of detection of these constituents in effluent samples. The proposed change to the SIP will remedy this problem.

We appreciate the opportunity to comment on these proposed changes to the SIP. We believe that such changes are an excellent example of adaptive management of the SIP by the SWRCB. We strongly encourage additional necessary changes to the SIP to continue to improve NPDES permitting in California. We reference letters previously sent by BACWA, Tri-TAC, CASA and Sacramento Regional CSD in September 2003 that describe a number of these valuable and necessary changes to the SIP and request that the SWRCB consider making those changes in a subsequent action.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Carlin". The signature is fluid and cursive, with the first name "Michael" and last name "Carlin" clearly distinguishable.

Michael Carlin  
Chair

Cc: CASA/TriTAC